

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
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U.S. DISTRICT COURT E.D.N.Y.
★ MAY 27 2016 ★
BROOKLYN OFFICE

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JANET GUTIERREZ, FLAVIO MINCHALA,
ANA MARIA SANCHEZ, EVANGELOS
POLLATOS, and MARGARITA PODARAS

Plaintiffs,

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

-against-

14-CV-4532 (SLT)(MDG)

156-40 GRILL LLC, MICHAEL SIDERAKIS,
and KONSTANTINOS SIKLAS.

Defendants.

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TOWNES, United States District Judge:

In July 2014, Plaintiffs Janet Gutierrez, Flavio Minchala, Ana Maria Sanchez, Evangelos Pollatos, and Margarita Podaras initiated this action against Defendants 156-40 Grill LLC, Michael Siderakis, and Konstantinos Siklas, alleging that they failed to pay minimum and overtime wages as required by the Fair Labor Standards Act ("FLSA") and New York Labor Law. (ECF No. 1). All plaintiffs except Minchala and Sanchez have voluntarily dismissed their claims. (ECF Nos. 24, 26, 33, 35).

On May 8, 2015, Plaintiffs' counsel moved to withdraw from the case due to a conflict, and Magistrate Judge Go granted that unopposed motion after notice was given to each Plaintiff and the hearing adjourned several times. (ECF No. 23; June 6, 2015 Min. Entry). After Judge Go warned of dismissal, Plaintiffs Minchala and Sanchez failed to appear at a conference for the fifth time. Defendants moved by letter for dismissal under Federal Rule of Procedure 41(b).

Six months later Judge Go recommended granting that unopposed motion in a well-reasoned Report and Recommendation ("R&R"). (ECF No. 36). The R&R specified that objections were due by May 23, 2016, and advised that "[f]ailure to file timely objections within

the specified time waives the right to appeal.” (R&R) (citing authorities). Judge Go’s chambers then promptly mailed notice of the R&R to Plaintiffs. The Court has not received any objections to date.

A district court is not required to review the factual or legal conclusions of a magistrate judge as to those portions of a report and recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985). Nonetheless, when no objections are filed, many courts seek to satisfy themselves “that there is no clear error on the face of the record.” Fed. R. Civ. P. 72(b) advisory committee note (1983 Addition); *see also Edwards v. Town of Huntington*, No. 05 Civ. 339 (NGG) (AKT), 2007 WL 2027913, at *2 (E.D.N.Y. July 11, 2007). Accordingly, this Court has reviewed the R&R for clear error on the face of the record. The Court finds no clear error, and therefore adopts the R&R in its entirety as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

CONCLUSION

For the reasons stated above, Judge Go’s Report and Recommendation dated May 6, 2016, is adopted in its entirety and Defendant’s motion to dismiss (Rec. Doc. 28) is **GRANTED** and the case **DISMISSED**.

/s/ *Sandra L. Townes*

SANDRA L. TOWNES
United States District Judge

Dated: *May 26*, 2016
Brooklyn, New York